

Rec'd PCT/PTO 01 JUL 2003

DOCKET: 63 PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Katherine S. Bowdish et al.  
International Application No.: PCT/US02/14971  
International Filing Date: April 30, 2002  
For: **NOVEL 88 PHAGE VECTOR**

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF  
DECISION ON PETITION UNDER 37 C.F.R. 1.10(d)**

**REMARKS**

Sir:

Although Applicants presently are not in possession of the original "Express Mail" label to submit as evidence of the "date-in" with the United States Postal Service (USPS), Applicants respectfully request reconsideration of the Decision on Petition Under 37 CFR 1.10(d) mailed May 5, 2003 at least for the following reasons. A true copy of the Certificate of Express Mailing (resubmitted herewith) is dated April 26, 2002. The United States Postal Service document dated May 12, 2003 (resubmitted herewith) shows receipt of the above-referenced application on April 29, 2002 at 11:18 AM.

April 29, 2002 was a Monday. In order for the United States Postal Service to deliver the application to the United States Patent and Trademark Office (USPTO) on Monday, April 29, 2002, the "date in" of said package with the USPS must have been before April 29, 2002. Moreover, April 28, 2002 was a Sunday. The USPS and the USPTO both are closed on Sundays. Therefore, the application must have been deposited with the USPS before April 28, 2002, and, consequently, it is respectfully submitted that conclusive proof of "date-in" before April 28, 2002

has been established. As the true copy of the Certificate of Express Mailing shows the mailing date as April 26, 2002, Applicants request the acceptance of April 26, 2002 as the actual filing date of said application.

There is believed to be no fees associated with this request. If any fees are required, kindly charge said fees to Deposit Account No. 01-0483. Please charge any underpayment or credit any overpayment to Deposit Account No. 01-0483. **TWO (2) DUPLICATE COPIES OF THIS SHEET ARE ENCLOSED.**

Respectfully submitted,

July 1, 2003  
Date

Mark Farber  
Alexion Pharmaceuticals, Inc.  
352 Knotter Drive  
Cheshire, CT 06410

Mark Farber  
By: Mark Farber  
Reg. No. 34,159  
Attorney of Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bowdish, et al.

Serial No.: Unassigned

Examiner: Unassigned

Filed: April 26, 2002

Group Art Unit: Unassigned

For: Novel 88 Phage Vector

CERTIFICATE OF EXPRESS MAILING

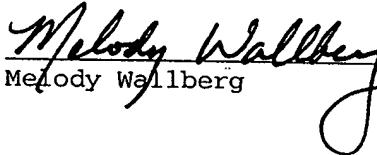
"Express Mail" Mailing Label No.: ET763024095US

Date of Deposit: April 26, 2002

I hereby certify that the following:

- [X] This Certificate of Express Mailing
- [X] PCT Request
- [X] Fee Calculation Sheet in Triplicate
- [X] 28 Pages Patent Application, Claims, Abstract
- [X] 20 Sheets Drawings
- [X] Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the Date of Deposit indicated above in an envelope addressed to the Asst. Commissioner for Patents, Box Patent Application, P.O. Box 2327, Arlington, VA, 22202.

  
Melody Wallberg

Mark Farber  
Alexion Pharmaceuticals  
352 Knotter Drive  
Cheshire, CT 06410

DOCKET: 63 PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bowdish et al.  
International Application No.: PCT/US02/14971  
International Filing Date: April 30, 2002  
**For: Novel 88 Phage Vectors**

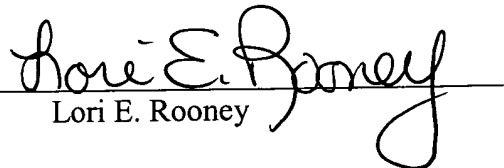
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P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF EXPRESS MAILING**

Date of Deposit: July 1, 2003  
I hereby certify that the following:  
Certificate of Express Mailing Label No.: ER122645589 US

- ☒ This Certificate of Express Mailing
- ☒ Request for Reconsideration of Decision on Petition  
Under 37 CFR 1.10(d)
- ☒ "True Copy" of Certificate of Express Mailing dated April 26, 2002
- ☒ "True Copy" of USPS document dated May 12, 2003
- ☒ Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addresses" service under 37 CFR Section 1.10 on the Date of Deposit indicated above in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Lori E. Rooney

Mark Farber  
C/O  
Alexion Pharmaceuticals, Inc.  
352 Knotter Drive  
Cheshire, CT 06410



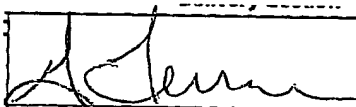
Date: 05/12/2003

Fax Transmission To: LORI ROONEY  
Fax Number: 203-271-8195

Dear LORI ROONEY:

The following is in response to your 05/12/2003 request for delivery information on your Express Mail item number ET763024095US. The delivery record shows that this item was delivered on 04/29/2002 at 11:18 AM in ARLINGTON, VA 22202 to E SCOTT. The scanned image of the recipient information is provided below.

Signature of Recipient:

  
G. Turner

Address of Recipient:

C-5 PTO 2327

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

**BAKER BOTTS LLP***Fax receipt will not be confirmed by phone unless requested.*30 ROCKEFELLER PLAZA  
NEW YORK, NEW YORK  
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212.408-2500  
FAX 212.408-2501  
www.bakerbotts.comAUSTIN  
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RIYADH  
WASHINGTONFROM Gary Abelev  
DATE August 20, 2003  
PAGES 9 (including cover)VOICE NO. 212-408-2522  
FAX NO. 212-259-2522  
RETURN TO GATO Mr. Raphael Bacares  
Legal Examiner  
United States Patent and Trademark OfficeFAX NO. 703-308-6459  
VOICE NO. 703-308-6312**MESSAGE**U.S. Application Serial No. 10/048,141  
Filed: January 22, 2002  
Our File No.: A34948-069277.0109

Dear Mr. Bacares:

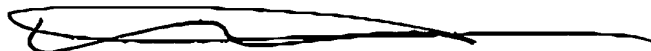
As per your request, please find enclosed the executed Assignments and Notice of Recordation of these Assignments dated April 18, 2003 and June 2, 2003.

Feel free to contact me if you have further questions.

Very truly yours,



Gary Abelev

**NY02:454548.1 Notice of Confidentiality**

The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Botts LLP by telephone at 212.408-2500 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.

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JUNE 02, 2003

PTAS

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Washington, DC 20231  
www.uspto.gov

BAKER BOTTS L.L.P.  
LOUIS S. SORELL  
30 ROCKEFELLER PLAZA-44 FL.  
NEW YORK, NY 10112



\*102351171A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
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RECORDATION DATE: 01/28/2003

REEL/FRAME: 013693/0224  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

VIZOSO, BLACH

DOC DATE: 01/15/2002 BAKER BOTTS L.L.P.

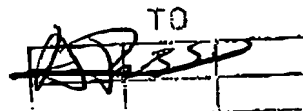
03 JUN 12 AM 10:25

ASSIGNEE:

DAVID SYSTEMS TECHNOLOGY, S.L.  
CARBONERO Y SOL 30  
MADRID, SPAIN 28006

SERIAL NUMBER: 10048141  
PATENT NUMBER:

FILING DATE:  
ISSUE DATE:



DOROTHY RILEY, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

01-290003



FILE NO. A34948-PCT-USA-069277.0109

RECOI

102351171  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Blach Vizoso

1-28-03

Additional name(s) of conveying party(ies) attached?

☐ Yes☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other:

2. Name and address of receiving party(ies)

Name: David Systems Technology, S.L.

Address: Carbonero y Sol 30

City: Madrid

State: SP

Zip: 28006

Additional name(s) and address(es) attached? Country: SPAIN

☐ Yes ☒ No

Execution Date:

4. Application number(s) or patent number(s)

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s)

10/048,141

B. Patent No.(s)

Additional numbers attached?

☐ Yes

FINANCE SECTION

JAN 28 AM 11:09

RECORDS

☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Louis S. Sorell

BAKER BOTTS L.L.P.

30 Rockefeller Plaza - 44 Fl.

New York, NY 10112

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number :

02-4377 (Charge any additional fees to this account)

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing instrumentation is true and correct and any attached copy is a true copy of the original document.

Louis S. Sorell 32,439

Name of Person Signing

Signature

2-28-02

Date

Page 1 of 1

Total number of pages including cover sheet, attachments and document: 3

01/28/2003 DBYRME 00000123 10048141

01 FC:8021

40.00



A34948 PCT USA

ASSIGNMENT

WHEREAS, DAVID SYSTEMS TECHNOLOGY, S.L., a corporation organized and existing under the laws of Spain, having a place of business at Carbonero y Sol, 30 28006 MADRID, SPAIN, is the assignee of the entire right, title and interest in and to an invention for "FLUID COMPOSITION FOR PRODUCING AND REPAIRING ION EXCHANGE MEMBRANES", for which United States application Serial No. 10/048,141 has been filed on January 22, 2002, by virtue of an assignment dated JANUARY 15, 2002, which was filed on FEBRUARY 28, 2002, in the United States Patent and Trademark Office;

WHEREAS, DAVID FUEL CELL COMPONENTS, S.L., having an office for the transaction of business at Poligono Industrial Nicomedes Garcia, Naves B y C, 40140 Valverde del Majano, SEGOVIA, SPAIN, is desirous of acquiring the entire right, title and interest of DAVID SYSTEMS TECHNOLOGY, S.L. in and to the said invention and the said application in the United States of America, and the Letters Patent to be obtained therefor;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, BE IT KNOWN, that the said DAVID SYSTEMS TECHNOLOGY, S.L., for and in consideration of the sum of One (\$1.00) Dollar lawful money of the United States paid by said DAVID FUEL CELL COMPONENTS, S.L., and for other good and valuable considerations moving from said DAVID FUEL CELL COMPONENTS, S.L. at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over unto said DAVID FUEL CELL COMPONENTS, S.L., its successors and assigns, the whole right, title and interest of DAVID SYSTEMS TECHNOLOGY, S.L. for the United States of America in and to the aforesaid invention and the said application entitled "FLUID COMPOSITION FOR PRODUCING AND REPAIRING ION EXCHANGE MEMBRANES" and the Letters Patent to be obtained on said application and any and all Letters Patent that may be issued upon any and all revivals, refilings, continuations, continuation-in-part, divisions and reissues thereof, TO HAVE AND TO HOLD the same to the full end of the term or terms for which any and all such Letters Patent of the United States of America may grant on said improvements or invention;

AND the said DAVID SYSTEMS TECHNOLOGY, S.L., for the considerations aforesaid, does hereby covenant and agree to and with the said DAVID FUEL CELL COMPONENTS, S.L., its successors and assigns, that it has the full power to make this assignment and that the rights assigned are not encumbered by any grant, license or right heretofore given, and that said DAVID SYSTEMS TECHNOLOGY, S.L., its successors and assigns, shall and will do all lawful acts and things, and procure or make, execute, and delivery any and all other instruments in writing and any and all further application papers, affidavits, assignments or other documents which in the opinion of counsel for said DAVID FUEL CELL COMPONENTS, S.L., its successors or assigns, may be required or necessary in any foreign country more effectively to secure to

NY02:393439.1

-1- *See Above*  
*Dec 16, 2002*  
*1357 0954*

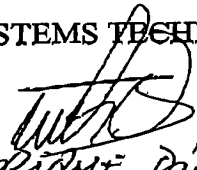
A34427 PCT USA

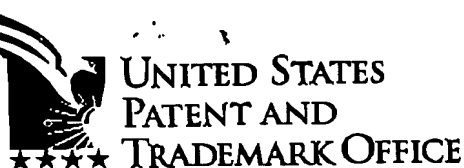
and vest in said DAVID FUEL CELL COMPONENTS, S.L., its successors and assigns, the right, title and interest in and to said improvements and invention, applications for Letters Patent, Letters Patent, rights, title, benefits, privileges and advantages hereby sold, assigned, transferred and conveyed or intended so to be.

Subscribed and executed at MADRID (SPAIN)  
(Place)

on NOVEMBER 14<sup>th</sup>, 2002.  
(Date)

DAVID SYSTEMS TECHNOLOGY, S.L.

By   
managing director



APRIL 18, 2003

PTAS

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

BAKER BOTTS L.L.P.  
ANDREA DORIGO  
30 ROCKEFELLER PLAZA  
44TH FLOOR  
NEW YORK, NY 10112



\*102315915A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/16/2002

REEL/FRAME: 013577/0954  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
DAVID SYSTEMS TECHNOLOGY

DOC DATE: 11/14/2002

BAKER BOTTS L.L.P.

03 APR 30 AM 10:12

ASSIGNEE:  
DAVID FUEL CELL COMPONENTS, S.L.  
POLIGONO INDUSTRIAL NICOMEDES  
GARCIA  
NAVES B Y C, VALVERDE DEL MAJANO  
SEGOVIA, SPAIN 40140



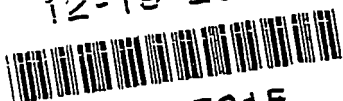
SERIAL NUMBER: 10048141  
PATENT NUMBER:

FILING DATE:  
ISSUE DATE:

SHARON BROOKS, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

12-19-2002

FILE NO. A34948-PCT-USA - 069277.0109

RECORDATION  
PATEU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

102315915

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): <b>David Systems Technology, S.L.</b> Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies) Name: <b>David Fuel Cell Components, S.L.</b>  Address: <b>Poligono Industrial Nicomedes Garcia, Naves B y C Valverde del Majano</b>  City: <b>Segovia, Spain</b> State: Zip: <b>40140</b> Additional name(s) and address(es) attached? Country: <b>Spain</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other:		Execution Date: <b>November 14, 2002</b>	
4. Application number(s) or patent number(s)  If this document is being filed together with a new application, the execution date of the application is A. Patent Application No.(s) <b>10/048,141</b> B. Patent No.(s)			
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: <b>Andrea Dorigo</b>  <b>BAKER BOTTS L.L.P.</b> <b>30 Rockefeller Plaza - 44 Fl.</b> <b>New York, NY 10112</b>		6. Total number of applications and patents involved: <b>1</b>  7. Total fee (37 CFR 3.41): <b>\$ 40.00</b>  <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account	
		8. Deposit account number : <b>02-4377 (Charge any additional fees to this account)</b> (Attach duplicate copy of this page if paying by deposit account)	
DO NOT USE THIS SPACE			
9. Statement and signature  <i>To the best of my knowledge and belief, the foregoing instrumentation is true and correct and any attached copy is a true copy of the original document.</i>  <div style="display: flex; justify-content: space-between;"> <div> <b>Andrea Dorigo 47,532</b>            Name of Person Signing         </div> <div>             Signature         </div> <div> <b>12-9-02</b>            Date         </div> </div>			
Page <u>1</u> of <u>1</u> Total number of pages including cover sheet, attachments and document: <b>3</b>			

12/18/2002 DBYRHE 00000036 10048141

01 FC:8021

40.00 DP

FINANCE SECTION

DEC 16 AM 9:27

ASSIGNMENT

WHEREAS We, BLACH VIZOSO, Ricardo of Carbonero y Sol, 30 28006 MADRID, SPAIN, have made a certain new and useful invention in:

for which ☐ an application is being filed concurrently herewith ,

☒ an application for a Patent of the United States was filed  
on 1-22-02 and given Application Serial No. 10/048,141

AND WHEREAS, DAVID SYSTEMS TECHNOLOGY, S.L., a corporation organized and existing under the laws of Spain, having a place of business at Carbonero y Sol 30, 28006 MADRID, SPAIN, ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to an under the said invention and the said application in the United States, and the Letters Patent to be obtained therefor;

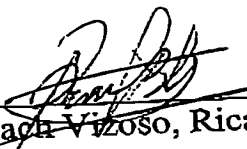
NOW THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that, for and in consideration of one (\$1.00) dollar to us in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, We, the said ASSIGNORS; have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention in the United States, including priority rights, as fully set forth and described in said application and We do hereby authorize and request the Commissioner of Patents to issue said Letters Patent on said application and any and all Letters Patent that may be issued upon any and all revivals, refilings, continuations, continuation-in-part, divisions and reissues thereof, to the said ASSIGNEE, of the entire right, title and interest in and to the same, for the sole use and behoof of DAVID SYSTEMS TECHNOLOGY, S.L., its successors and assigns;

and We will execute all papers necessary in connection with the United States applications when called upon to do so by the said ASSIGNEE, its successors or assigns, and that We will, at the cost and expense of the said ASSIGNEE, fully assist and cooperate in all matters in connection with the United States applications and patents issuing thereon.

The undersigned declare that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 15 JANUARY 2002

Citizenship: SPAIN

  
\_\_\_\_\_  
Blach Vizoso, Ricardo L.S.

Date: \_\_\_\_\_

Citizenship: \_\_\_\_\_

\_\_\_\_\_  
L.S.

\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO	5324
RECIPIENT ADDRESS	
DESTINATION ID	
ST. TIME	08/20 15:53
TIME USE	01'59
PGS.	9
RESULT	OK

## Patent Assignment Abstract of Title

**Total Assignments: 2**
**Application #:** 10048141    **Filing Dt:**
**Patent #:** NONE

**Issue Dt:**
**PCT #:** NONE

**Publication #:** NONE

**Pub Dt:**
**Inventor:** Ricardo Blach Vizoso

**Title:** Fluid composition for producing and repairing ion exchange membranes

**Assignment: 1**

<b>Reel/Frame:</b> <u>013693/0224</u>	<b>Received:</b> 01/29/2003	<b>Recorded:</b> 01/28/2003	<b>Mailed:</b> 06/02/2003	<b>Pages:</b> 3
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**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

**Assignor:** VIZOSO, BLACH
**Exec Dt:** 01/15/2002

**Assignee:** DAVID SYSTEMS TECHNOLOGY, S.L.

 CARBONERO Y SOL 30  
 MADRID, SPAIN 28006

**Correspondent:** BAKER BOTTS L.L.P.

 LOUIS S. SORELL  
 30 ROCKEFELLER PLAZA-44 FL.  
 NEW YORK, NY 10112

**Assignment: 2**

<b>Reel/Frame:</b> <u>013577/0954</u>	<b>Received:</b> 12/19/2002	<b>Recorded:</b> 12/16/2002	<b>Mailed:</b> 04/18/2003	<b>Pages:</b> 3
---------------------------------------	--------------------------------	--------------------------------	------------------------------	--------------------

**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

**Assignor:** DAVID SYSTEMS TECHNOLOGY
**Exec Dt:** 11/14/2002

**Assignee:** DAVID FUEL CELL COMPONENTS, S.L.

 POLIGONO INDUSTRIAL NICOMEDES GARCIA  
 NAVES B Y C, VALVERDE DEL MAJANO  
 SEGOVIA, SPAIN 40140

**Correspondent:** BAKER BOTTS L.L.P.

 ANDREA DORIGO  
 30 ROCKEFELLER PLAZA  
 44TH FLOOR  
 NEW YORK, NY 10112

Search Results as of: 7/21/2003 8:11:55 A.M.

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If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 703-308-9723  
 Web interface last modified: Oct. 5, 2002